

Steven F. Alder (No. 0033)
John Robinson Jr. (No. 15247)
Assistant Attorneys General
Sean D. Reyes (No. 7969)
Utah Attorney General
1594 W. North Temple, Suite 300
Salt Lake City, Utah 84116
Tel: (801) 538-7227

FILED

DEC 07 2015

**SECRETARY, BOARD OF
OIL, GAS & MINING**

Attorneys for Utah Division of Oil, Gas and Mining

BEFORE THE UTAH BOARD OF OIL, GAS AND MINING

In the matter of: reclamation at
the Elite Rock-West mine,
permit no. S/049/0050, operated
by Wasatch Mountain
Excavating, located southwest
of Elberta in southwestern
Utah County, Utah

JOINT MOTION TO CONTINUE

Docket No. 2015-023
Cause No. S/049/0050

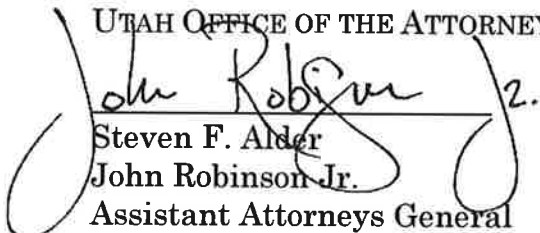
The Utah Division of Oil, Gas and Mining and Wasatch Mountain Excavating (together, the Parties) jointly move the Utah Board of Oil, Gas and Mining to continue the Elite Rock–West matter, docket no. 2015-023, until the regularly scheduled hearing on January 27, 2016. The grounds for the continuance follow:

1. The underlying Notice of Agency Action is an action to forfeit a reclamation surety held for the Division's benefit and to use the forfeited funds to conduct reclamation at the Elite Rock–West mine site.

2. At the hearing in October 2015, the Parties presented the Board with a stipulated forfeiture agreement. Contrary to the representations of his counsel, a third party representing the land owner appeared and objected to the stipulated forfeiture. The Board declined to enter the stipulated agreement and ordered a continuance of this matter until the December hearing.
3. Since October, Wasatch Mountain decided to proceed with reclamation rather than stipulate to the friendly forfeiture as presented at the October hearing.
4. Wasatch Mountain mobilized two pieces of equipment to the site and began reclamation in late November. The Division made several site visits during this time, and continues to monitor reclamation activities.
5. Reclamation is ongoing but will not be completed prior to the December hearing.
6. The forfeiture action is not ripe to proceed while reclamation is in progress.
7. The Parties anticipate that reclamation earth work will be completed, and this action withdrawn, before the January hearing.
8. The Division stands ready to present brief testimony and pictures explaining the reclamation efforts at the December hearing if the Board so wishes.

The Parties submit that these reasons show good cause to continue the hearing in this matter until January 27, 2016.

Respectfully submitted on the 7th day of December, 2015.

UTAH OFFICE OF THE ATTORNEY GENERAL

Steven F. Alder
John Robinson Jr.
Assistant Attorneys General
Tel: (801) 538-7227
Email: stevealder@utah.gov
jrobinson@utah.gov

Attorneys for the Division of Oil, Gas and Mining

REED WARLAUMONT & STOUT

s/Michael Stout (with permission)
Michael Stout, Esq.
Reed Warlaumont & Stout
405 South Main Street, Suite 900
Salt Lake City, Utah 84111
Email: mike@rwsutahlaw.com

*Attorney for Brett Bryson & Wasatch Mountain
Excavating, Inc.*

Certificate of Service

I certify that I caused to be served the above **Joint Motion to Continue** to the following parties on December 7th, 2015:

By email:

Becky Carranza
Chase Bank Legal Department
P.O. Box 655415
Dallas, TX 75265-5415

Email:

becky.carranza@jpmchase.com

By email:

James R. Blakesley
James R. Blakesley, PLLC
2595 East 3300 South
Salt Lake City, UT 84109
Email: jim@blakesleylaw.com

*Attorney for Matthew R Shadle &
Robert Aurora Sky, LLC*

By email:

Dianne Orcutt
Utah County Attorney's Office
100 E. Center Street
Provo, UT 84606
Email: dianneo@utahcounty.gov



BEFORE THE UTAH BOARD OF OIL, GAS AND MINING

In the matter of: reclamation at the Elite
Rock-West mine, permit no. S/049/0050,
operated by Wasatch Mountain
Excavating, located southwest of Elberta
in southwestern Utah County, Utah

[PROPOSED] ORDER GRANTING
JOINT MOTION TO CONTINUE

Docket No. 2015-023
Cause No. S/049/0050

The Utah Board of Oil, Gas and Mining has considered the JOINT MOTION TO CONTINUE filed by the Utah Division of Oil, Gas and Mining and Wasatch Mountain Excavating (together, the Parties). The Board finds that the Parties showed good cause and hereby ORDERS that this matter be CONTINUED until the regularly scheduled January 27, 2016 hearing.

ENTERED this ____ day of December, 2015.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Ruland J Gill, Chairman